

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BRIGGETT C PHELPS,

Plaintiff,

v.

SUTTER HEALTH, et al.,

Defendants.

Case No. 24-cv-02172-RFL

**ORDER OF DISMISSAL**

Re: Dkt. Nos. 6, 7

On April 16, 2024, the Court denied Briggett Phelps's application to proceed *in forma pauperis* and ordered her to either file an amended IFP application explaining why she is unable to afford the filing fee, or pay the filing fee of \$405.00. (Dkt. No. 5.) After Phelps failed to timely take either action, the Court ordered her to show cause in writing why the case should not be dismissed for her failure to comply with the Court's order and for her failure to prosecute this action. (Dkt. No. 6.) Due to potential issues with Phelps's mailing address, the deadline to respond to the order to show cause was extended to July 26, 2024. (Dkt. No. 7.) To date, Phelps has not responded. Accordingly, the action is **DISMISSED WITHOUT PREJUDICE** for failure to pay the filing fee and for failure to prosecute. *See* Fed. R. Civ. P. 41(b).

Because this dismissal is without prejudice, Phelps may ask to reopen the action. Any such motion must have the words "MOTION TO REOPEN" written on the first page and contain either (1) an amended application to proceed *in forma pauperis* demonstrating that Phelps is unable to pay the filing fee, or (2) a statement that Phelps has paid the \$405.00 filing fee in full, after such payment has been made. The Clerk of the Court is directed to enter judgment in favor of Defendants and against Briggett C. Phelps, without prejudice to Phelps being able to move to

re-open the case after either filing an amended IFP application or paying the filing fee, and to close the case.

**IT IS SO ORDERED.**

Dated: August 5, 2024

A handwritten signature in black ink, appearing to read 'R. F. Lin', is positioned above a horizontal line.

RITA F. LIN  
United States District Judge